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C O N F I D E N T I A L SECTION 01 OF 02 KUWAIT 001131

SIPDIS

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SUBJECT: KUWAITI JOURNALIST ARRESTED FOR SLANDERING RULING FAMILY PRIME MINISTER

Classified By: PolCouns Pete O'Donohue for reasons 1.4 b and d

1.(C) Summary and Comment. Journalist Mohammad Abdulqadr Al-Jasim -- arrested November 22 on charges that he slandered prominent ruling family member and Prime Minister Shaykh Nasser Al Sabah -- remains under detention, having refused to pay a high bail. On December 2, the Attorney General scheduled Jasim to be tried at the Al-Rigai Misdemeanors Court on December 3. The arrest and continued detention has galvanized Kuwaiti journalists and human rights activists, who have grown accustomed to a degree of press and speech freedom unusual in the Middle East. That Jasim -- a vociferous and long-standing critic of the PM and the government in general -- is charged for slandering the reputation of the ruling family (a crime here) comes as little surprise. What has made this case more significant, however, is that his alleged remarks criticizing the PM were made not in the press but at a diwaniyya (the bedrock of Kuwaiti civil society and a venue generally considered to be relatively sacrosanct). Equally chilling for free speech advocates here is the fact that his bail has been set at KD 1000 (3500 USD), ten times the normal KD 100 level, an arbitrary move that leads some here to worry that the GOK could in the future raise bail levels to the point that jail time is too costly to avoid. Such a change would make these "nuisance suits" -- which are often filed against government critics on grounds of damaging the reputation of the ruling family -- much more stifling for dissent. A number of parliamentarians publicly demonstrated in support of Jasim December 1, no doubt motivated in part by their perception that the Jasim case could represent an implicit threat to their own immunity and right to criticize the government. Jasim's treatment is widely believed to have been orchestrated by the PM, suggesting this incident may become yet another source of friction between the Prime Minister and parliament, where the PM faces potential parliamentary questioning as early as December 8 over checks he wrote to MPs. End summary and Comment.

2.(U) After he criticized the Prime Minister at the private diwaniya of Hamad Al-Ulayyan in front of some twenty attendees on October 18, journalist and lawyer Mohammad Abdulqadr Al-Jasim was detained on November 22 and accused of having slandered the Prime Minister, a member of the ruling family and second in line to succeed the Amir. Jasim refused to pay a KD 1000 (3500 USD) bail and on December 1, still detained at the Ministry of Interior's Investigations Department jail, asked his lawyer to file charges against the Attorney General for violating his constitutional right to free speech. On December 2, the Attorney General scheduled Jasim to be tried at the Al-Rigai Misdemeanors Court on December 3. Under Article 209 of the criminal law, Jasim faces a maximum sentence of two years of jail time.

3.(C) Jasim was editor-in-chief of Kuwait's conservative daily newspaper Al-Watan until he was pressured to leave the position in 2005 by the GOK due to his frequent criticisms of

the government, according to local press reports and Embassy sources. He was replaced by Shaykh Ali Al-Khalifa Al Sabah, a member of the ruling family and a former oil minister. According to local blog "Reqaba" ("Watching"), Jasim's "slanderous" October 18 diwaniya statement was the following:

"My house is not made out of glass and I hereby warn (Prime Minister) Shaykh Nasser and those with him to grow beyond political vendetta, otherwise the results will be bad for him. I am aware of what I am saying. I have a message for Shaykh Nasser: 'Shaykh Nasser, I hope your men at State Security give you this message... You accuse me of defaming your personal life, but I was only exercising my right to criticize. You are the one responsible for fraud in naturalization (i.e. granting Kuwaiti citizenship to stateless Bidoon residents as a political favor) and you can be sure that the Thamer committee (in charge of investigating recent issuances of citizenship to Bidoon) will find you responsible.' "

4.(C) Jasim's attorney, Abd Al-Karim Haidar, told Embassy on December 1 that the allegedly slanderous remarks made by Jasim on October 18 are "just an excuse" and that the Prime Minister is orchestrating Jasim's arrest as a means of silencing the journalist's regular attacks on the government. Haidar further claimed that the detention was objectionable both morally ("the whole case is a political one and it was submitted with malice") and legally ("the detention is illegal because the Attorney General detained him in a manner which violated procedure").

5.(C) Chairman of the Al-Rai media group Jasim Budai told

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Embassy on November 23 that he also believes the Prime Minister pressured the Ministry of Interior to arrest Jasim, deal with him firmly, and set a high bail. Budai alleged that this is why Jasim's bail was set at 1000 dinar, when the bail for such cases is typically closer to KD 100 (350 USD).

¶6. (C) Jasim's detention has garnered attention and a great deal of sympathy from Kuwait's print and online media alike. The majority of columnists and bloggers expressed their solidarity with Jasim, in part out of concern of the precedent his continued detention could set. As one blogger wrote: "If Al-Jasim pays one thousand (Kuwaiti dinars for bail), tomorrow another columnist might have to pay 2,000 or 700,000 to bail himself out." On December 1, several attorneys and four MPs protested in front of the Palace of Justice, including MP Daifallah Buramya and MP Khalid Al-Tahous, who were briefly detained in the run-up to the May 2009 parliamentary election for criticizing Defense Minister Jaber Al Sabah and the law against tribal primaries, respectively.

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